

### **REMARKS**

Claims 1, 18, 33, 43, 47, and 51 have been amended and claims 45 and 49 have been cancelled. Claims 1, 18, 33, 42-44, 46-48, and 50-52 are pending.

#### ***Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel***

Claims have been amended, and claims 45 and 49 have been canceled, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 1, 18, 33, 43, 47, and 51 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

#### ***Interview Summary***

Brief telephone conversations between Examiner Brian J. Livedalen and agent John Gunther were held on January 23 and January 26, 2007. The Examiner indicated that the claims of the application were nearly in condition for allowance, he was concerned about the ambiguity of the term "higher gradation" in independent claims 1, 18, and 33.

A revised claims set was proposed in which limitations of claims 45, 49, and 51 are incorporated into claims 1, 18, and 33, respectively, such that the ambiguous term can be removed. The Examiner indicated that these changes would appear to resolve his concern.

Independent claims 1, 18, and 33 have been amended as proposed. Dependent claims 43, 47, and 51 are amended for consistency with their respective independent claim. Claims 45 and 49 have been canceled. It is respectfully submitted that the amended claims are in condition for allowance.

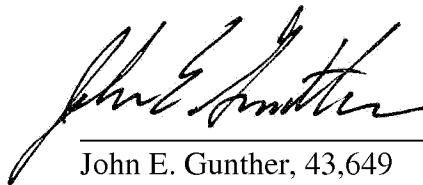
*Conclusion*

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Gunther", is written over a horizontal line.

John E. Gunther, 43,649

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